

10 RECEIVED 16 NOV 2005

10/533541

Attorney's Docket No.: 6266P001

Patent

First Named Inventor: Erick Von Schweber

Check One:

☐ Declaration Submitted with  
Initial Filing OR  
☒ Declaration Submitted After  
Initial Filing (Surcharge under  
37 C.F.R. § 1.16(e) Required)

Complete If Known:

Application No.: 10/533,541  
Filing Date: 04/29/2005  
Confirmation No.: 9446  
Examiner Name: Not Yet Assigned

**DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION**

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A METHOD AND APPARATUS FOR INFORMATION SURVEYING**

the specification of which

   is attached hereto  
  X   was filed on (MM/DD/YYYY) 04/29/2005 as  
as United States Application Number 10/533,541  
or PCT International Application Number                       
and was amended on (MM/DD/YYYY)                       
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed?</u>		<u>Certified Copy Attached?</u>	
<u>PCT/US03/36136</u> (Number)	<u>PCT</u> (Country)	<u>11/14/2003</u> (Foreign Filing Date - MM/DD/YYYY)	<u>X</u> Yes	<u>      </u> No	<u>      </u> Yes	<u>X</u> No
<u>                    </u> (Number)	<u>                    </u> (Country)	<u>                    </u> (Foreign Filing Date - MM/DD/YYYY)	<u>      </u> Yes	<u>      </u> No	<u>      </u> Yes	<u>      </u> No
<u>                    </u> (Number)	<u>                    </u> (Country)	<u>                    </u> (Foreign Filing Date - MM/DD/YYYY)	<u>      </u> Yes	<u>      </u> No	<u>      </u> Yes	<u>      </u> No

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>60/426,624</u> Application Number	<u>11/15/2002</u> (Filing Date – MM/DD/YYYY)
<u>                    </u> Application Number	<u>                    </u> (Filing Date – MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>                    </u> Application Number	<u>                    </u> (Filing Date – MM/DD/YYYY)	<u>                    </u> Status -- patented, pending, abandoned
<u>                    </u> Application Number	<u>                    </u> (Filing Date – MM/DD/YYYY)	<u>                    </u> Status -- patented, pending, abandoned

#### **Appointment of Patent Practitioners:**

I hereby appoint the patent practitioners associated with the **Customer Number 08791** as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

If this patent application is assigned, then the undersigned hereby authorizes the patent attorneys and patent agents named herein to accept and follow instructions from the assignee(s) as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the patent attorneys and patent agents and the undersigned. In the event of a change in the persons from whom instructions may be taken, at least one patent attorney or patent agent named herein will be so notified by the undersigned.

Direct all correspondence to (check one):

☒ Customer Number 08791 OR

☐ Correspondence Address Below:

Kevin G. Shao, Reg. No. 45,095

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Los Angeles, California 90025

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor

Full Name: Erick Von Schweber  
(Given Name (First and Middle (if any)), Family Name (or Surname), and Suffix (if any))

Inventor's Signature [Signature] Date 11.9.2005

Residence Foster City, California U.S.A. Citizenship U.S.A.  
(City, State, Country) (Country)

Mailing Address 648 Greenwich Lane  
Foster City, CA 94404, U.S.A.

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

Full Name: Linda Von Schweber  
(Given Name (First and Middle (if any)), Family Name (or Surname), and Suffix (if any))

Inventor's Signature [Signature] Date 11.9.2005

Residence Foster City, California, U.S.A. Citizenship U.S.A.  
(City, State, Country) (Country)

Mailing Address 648 Greenwich Lane  
Foster City, CA 94404, U.S.A.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Erick Von Schweber

Serial No.: 10/533,541

Filed: April 29, 2005

For: A METHOD AND APPARATUS FOR  
INFORMATION SURVEYING

)  
)  
)  
) Examiner: Not Yet Assigned

)  
) Art Unit: Not Yet Assigned

)  
) Confirmation No.: 9446

\_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Written Assertion of Small Entity Status Under 37 C.F.R. 1.27(c)**


Dear Sir:

Applicants hereby notify the Patent and Trademark Office that the above-referenced case is no longer a large entity and small entity status is entitled to be asserted for the application.

Respectfully submitted,

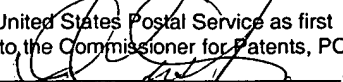
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: November 16, 2005

  
\_\_\_\_\_  
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**FIRST CLASS CERTIFICATE OF MAILING**

I, David Castro, hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on 11/16/2005 by:   
\_\_\_\_\_  
David Castro